

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 7, 15, 19, 20, 27 and 29 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-33 are now pending in this application.

In the outstanding Office Action of July 9, 2007, the Examiner rejected claims 1-33 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2005/0136898 (Shaheen et al.) in view of U.S. Patent Publication no. 2003/0233461 (Mariblanca-Nieves et al.) Applicant traverses the rejection for the reasons set forth below.

With regard to independent claims 1, 15, 19, 27, and 29, the Examiner asserted that Shaheen et al. teaches distinguishing between or determining device types for a terminal or supplicant node in a wireless local area network (WLAN) and providing services commensurate with a first device type. Applicant respectfully disagrees. Shaheen et al. describes a system and method for providing wireless terminals that support multiple radio interfaces, with the ability to operate over those multiple radio interfaces depending on the capabilities of the wireless terminals. (*See, e.g.*, Paras. [0006], [0012], and [0018]-[0022]). In other words, Shaheen et al. merely describes the ability to adapt to a particular wireless terminal's capabilities, and makes no determination or distinction between device "types." Rather, Shaheen et al. interacts with each specific wireless terminal to assess or receive its capabilities when processing a communication. In contrast, independent claims 1, 15, 19, 27, and 29 of the present application require the determination or distinction between device types and providing services if a terminal or supplicant node is of a first type. That is, these claims of the present invention describe the capability to classify and/or determine a

classification of device types instead of assessing each device separately. To more particularly describe these recited features in the present application, Applicant has amended claims 1, 15, 19, 27, and 29 to recite that the first device type belongs to a device class. Support for these amendments can be found, for example, at Para. [0030] of the present application.

Furthermore, Shaheen et al. merely teaches that the services which are commensurate with the various wireless terminals are associated with radio access technology (RAT), i.e., strictly mobile services, where, for example, a wireless terminal having the capability to operate using one wireless transmission protocol in one network can move to another network and operate using another wireless transmission protocol. (See, e.g., Paras. [0006] and [0011] of Shaheen et al.) In contrast, independent claims 1, 15, 19, 27, and 29 have been amended to more particularly describe that the device types which are determined or distinguished include a mobile type and a stationary type. Support for these amendments can be found, for example, at Paras. [0025] and [0032] of the present application. Thus, Shaheen et al. fails to teach or contemplate any type of determination or distinction with respect to whether a terminal or supplicant node is mobile or stationary.

Additionally still, independent claims 1 and 19 as originally claimed recited the feature of providing “additional” services to one type of device in the respective preambles of these claims. Applicant has amended independent claims 1 and 19, in addition to independent claims 15, 27, and 29, to more particularly describe that the device-specific services provided to the first device type are in addition to those already associated with terminal or supplicant node. Shaheen et al., as described above, merely teaches the ability to allow a wireless terminal to utilize services already commensurate with its features. In contrast, independent claims 1, 15, 19, 27, and 29 of the present application as amended require that additional device-specific services are provided. That is, such terminals or supplicant nodes can operate using services that were added based upon the terminals or supplicant nodes being a first device type belonging to a device class.

The Examiner correctly recognized that Shaheen et al. does not teach or suggest obtaining a device type, e.g., by an access point. However, the Examiner asserted that

Mariblanca-Nieves et al. cures this deficiency of Shaheen et al. Applicant respectfully disagrees with the Examiner's position. In particular, Applicant submits that Mariblanca-Nieves et al., like Shaheen et al., merely describes assessing and storing the capabilities of specific terminals. To support his position, the Examiner cited to Paras. [0017] and [0018] of Mariblanca-Nieves et al., which describe that terminal capabilities are stored via a method that includes a step of "correlating capabilities of each terminal equipment with an identifier of said terminal equipment." (emphasis added). Applicant submits that Mariblanca-Nieves et al. clearly does not teach or even contemplate the obtaining of a device type. In contrast, and as described above, independent claims 1, 15, 19, 27, and 29 require the distinction between or the determination of a device type, where the device type belongs to a device class. Therefore, Applicant submits that Mariblanca-Nieves et al. fails to cure the deficiencies of Shaheen et al.

With regard to dependent claims 2-14, 16-18, 20-26, 28, and 30 of the present application, Applicant submits that because each of these claims depend from independent claims 1, 15, 19, 27, and 29, Shaheen et al. and Mariblanca-Nieves et al. also fail to teach all of the require limitations recited therein. Moreover, with regard to certain claims, e.g., claim 4, 14, and 23, Applicant submits that the Examiner has imparted an overly broad interpretation of both the claim limitations of the present application and the teachings of the prior art references. For example, claim 4 of the present application requires identifying if the terminal uses a power save mode. In rejecting claim 4, the Examiner asserted that Shaheen et al. teaches such a feature at Paras. [0011] and [0020]. However, Applicant submits that these referenced portions of Shaheen et al. do not disclose anything remotely related to such a feature. Rather, these paragraphs of Shaheen et al. are generic statements indicating, e.g., that the wireless terminals are capable "of supporting multiple radio interfaces... which determines the set of services and parameters based on the capability and service profile..." Service parameters associated with various multiple radio interfaces says nothing about whether or not a terminal uses a power save mode. Likewise, claim 14 of the present application requires a plug-in module to enhance the ability (limitation recited in claim 13 from which claim 14 depends) to determine whether the terminal is a stationary device or a mobile device, where the module can be one of an 802.1X plug-in, a signal

strength and delay plug-in, and a power saving plug-in. In contrast to the Examiner's assertion that such features are taught at Paras. [0028] and [0029] of Shaheen et al., Applicant submits that no evidence of such features can be found. Paras. [0028] and [0029] of Shaheen et al. merely describe a wireless terminal connecting to an 802.11 network, where a user is queried as to generic services to be activated, not a plug-in module for aiding in determining a terminal type. Lastly, with regard to claim 23 of the present application, the Examiner asserted that Paras. [0006] and [0028]-[0029] of Shaheen et al. teach multicast filtering which is provided to protect devices from UPnP messages. Applicant again submits that these cited portions of Shaheen et al. have nothing to do with multicast filtering for protecting devices from UPnP messages, but rather comprise a generic statement regarding the querying of a user as to a wireless terminals capabilities, not protecting the wireless terminal from UPnP messages via multicast filtering. Applicant submits that such generic statements in Shaheen et al. cannot be utilized to support broad, sweeping rejections of specific claim limitations, such as those described above.

Because none of the references cited by the Examiner, either separately or in combination with each other, teach all of the required limitations of independent claims 1, 15, 19, 27, and 29 of the present application, Applicant submits that each of these independent claims are patentable over this prior art. Furthermore, because dependent claims 2-14, 16-18, 20-26, 28, and 30 of the present application are each directly or indirectly dependent upon independent claims 1, 15, 19, 27, and 29, Applicant submits that each of these claims are allowable for at least the same reasons as discussed above, in addition to the specific reasons described above with respect to the specific limitations of the dependent claims of the present application.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment,

to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date: December 19, 2007
FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6735
Facsimile: (858) 792-6773

By /G. Peter Albert Jr./

G. Peter Albert Jr.
Attorney for Applicant
Registration No. 37,268